

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

AVI ALEXANDER RACHLIN,

Plaintiff,

-against-

GEORGE K. BAUMANN,  
Individually and as Chief of Police of  
the FREEHOLD TOWNSHIP POLICE  
DEPARTMENT and FREEHOLD  
TOWNSHIP,

Defendants.

Case No. 3:21-cv-15343-FLW-TJB

**NOTICE OF  
CONSTITUTIONAL  
CHALLENGE PURSUANT TO  
FRCP 5.1(a)**

Pursuant to Rule 5.1(a) of the Federal Rules of Civil Procedure, Plaintiff, Avi Alexander Rachlin, by and through counsel, respectfully files this Notice of Constitutional Challenge of Statute with the Court, with Notice to Andrew J. Bruck, Acting Attorney General of the State of New Jersey (the “Acting Attorney General”), in the form of a certified letter annexed hereto as Exhibit A. In support thereof, Plaintiff shows as follows:

1. This action was commenced on August 16, 2021.
2. By certified letter dated August 18, 2021, sent pursuant to Rules 5.1(a)(1)(B) and 5.1(a)(2) of the Federal Rules of Civil Procedure, Plaintiff provided the Acting Attorney General with a copy of the Complaint in this action and notified

him that this action challenged the constitutionality of a state statute [N.J.S.A. 2C:58-3(c)(5)] as-applied to Plaintiff. A true and accurate copy of that letter is attached hereto as Exhibit A. In that letter, Plaintiff communicated that he was serving a copy of the Complaint in this action, and a copy of this Notice of Constitutional Challenge, on the Acting Attorney General pursuant to Rule 5.1(a), that the Complaint challenged the constitutionality of a state statute [N.J.S.A. 2C:58-3(c)(5)] as-applied to Plaintiff, and that the Complaint was filed against George K. Baumann, Individually and as Chief of Police of the Freehold Township Police Department, and Freehold Township, in the United States District Court for the District of New Jersey on August 16, 2021.

3. Accordingly, Plaintiff complied with Rule 5.1(a)(1)(B)'s requirement that the Attorney General be notified that a state statute was being challenged through this action and that neither the State, one of its agencies, nor one of its officers or employees had been named as a defendant.

4. Through this action, and as reflected in Plaintiff's Complaint, Plaintiff is challenging the constitutionality of N.J.S.A. 2C:58-3(c)(5) as-applied to Plaintiff, because the Defendants in this action have applied, continue to apply, and will apply in the future, N.J.S.A. 2C:58-3(c)(5) in an unconstitutional manner as against Plaintiff by using N.J.S.A. 2C:58-3(c)(5) to deny Plaintiff his right to obtain a

Firearms Purchase Identification (“FID”) card, a right guaranteed under the Second Amendment to the United States Constitution. U.S. Const. amend. II.

5. Pursuant to Rule 5.1(c) of the Federal Rules of Civil Procedure, the Acting Attorney General may intervene in this action “within 60 days after [this Notice] is filed or after the court certifies the challenge, whichever is earlier.”

6. In compliance with Rules 5.1(a)(1)(B) and 5.1(a)(2) of the Federal Rules of Civil Procedure, Plaintiff served the Acting Attorney General with a copy of the Complaint in this action and a copy of this Notice via certified mail today, August 18, 2021.

Respectfully submitted this 18<sup>th</sup> day of August, 2021.

By: s/ Edward A. Paltzik  
Edward A. Paltzik, Esq.  
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New York, NY 10018  
Tel: (212) 344-8211  
epaltzik@jmpllp.com  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

I further certify that on August 18, 2021, the foregoing was served upon the Acting Attorney General of New Jersey by mailing a copy thereof to the address indicated below with the proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service.

Served Via Certified Mail:

Andrew J. Bruck  
Acting Attorney General of New Jersey  
Office of the Attorney General  
RJ Hughes Justice Complex  
25 Market Street  
Trenton, NJ 08625-0080

s/ Edward A. Paltzik  
Edward A. Paltzik, Esq.  
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*Attorneys for Plaintiff*